

# **Delay in Criminal Proceedings (DCP) System**

## **Q & A**

### **Who is responsible in my court for submitting the DCP reports?**

Your court administrator assigns this responsibility within your court. He or she uses MCAP to grant access to and remove authorized users from each web application. The authorized users for DCP are responsible for submitting the DCP report.

### **How does the court administrator see who has access to DCP?**

Court administrators can obtain a report from the User Maintenance application on MCAP which lists the current authorized users for DCP and all other applications on MCAP.

### **How does the court administrator change the authorized users for DCP?**

Court administrators should use the User Maintenance application on MCAP to grant or remove authorization for DCP, as well as all other MCAP applications. For additional assistance with User Maintenance, please contact the Data Projects Coordinator at 517-373-5538 or [SCAO\\_App\\_Info@courts.mi.gov](mailto:SCAO_App_Info@courts.mi.gov).

### **When are the quarterly DCP reports due?**

DCP reports are due no later than 7 days following the end of each quarter.

### **When is the DCP application available for submitting the reports?**

The DCP application is available the first seven days following each quarter.

*First Quarterly Report covers January, February, and March ..... Submit between April 1 and 7*

*Second Quarterly Report covers April, May, and June ..... Submit between July 1 and 7*

*Third Quarterly Report covers July, August, and September ..... Submit between October 1 and 7*

*Fourth Quarterly Report covers October, November, and December Submit between January 1 and 7*

### **What is the court rule that requires courts to submit a DCP report?**

MCR 8.110(C)(5)

### **Which cases should be included in the report?**

- Felony cases in which there has been a delay of more than 301 days between the order binding the defendant over to circuit court and the date of adjudication.
- Misdemeanor cases and cases involving local ordinance violations that have criminal penalties in which there has been a delay of more than 126 days between the date of the defendant's first appearance on the warrant and complaint or citation and adjudication.
- In computing the 126-day and 301-day periods, the court shall exclude periods of delay
  - Between the time a preadjudication warrant is issued and a defendant is arraigned;
  - Between the time a defendant is referred for evaluation to determine whether he or she is competent to stand trial and the receipt of the report; or
  - During the time a defendant is deemed incompetent to state trial.
  - During the time an order is in effect that stays the disposition or proceedings of the case pending interlocutory appellate review.

### **What happens when all felony charges are reduced to misdemeanor charges or are otherwise disposed by the district court and only misdemeanor charges remain?**

The court should use the original case-type code (FY, FT, or FD) to report these cases.

**What if there are no cases to report?**

The court is still required to submit a report and should check the appropriate boxes on the verification screen to indicate there are no cases to report. There are two separate boxes, one for disposed cases and one for pending cases.

**Should the report include cases that were disposed during the quarter?**

Yes. If, during the quarter, a case aged beyond the time period (either 126 days or 301 days) before disposition, it should be included on the report. If the case was disposed before it reached the 126-day or 301-day period, it should not be included on the report.

**Should the report include cases assigned to magistrates?**

Yes. In addition to cases assigned to judges, cases assigned to attorney magistrates should be reported. Cases assigned to attorney magistrates should be reported under the magistrate's bar number. Cases assigned to non-attorney magistrates should be reported under the generic bar number. This is applicable to district and municipal courts.

**What is the generic bar number?**

SCAO prefers that courts use P999999 (a P with six nines); however, P99999 (a P with five nines) is also permissible at this time.

**Should the report include cases assigned to a judge of another court?**

Yes. However, it is at the court's discretion whether it reports these cases under the bar number of the original judge or under the bar number of the assigned judge. They should not be reported under both bar numbers.

**If the case is reassigned internally, should the court report the case under the bar number of the original judge?**

No. The case should be reported under the bar number of the judge to whom it is assigned at the time the case is disposed, or under the bar number of the judge to whom it is assigned if the case remains pending at the end of the reporting period.

**Is the defendant's name required?**

The defendant's name is only required if the court chooses to upload the report from its local case management system. If the court chooses to manually enter the data, the defendant's name is optional.

**The name of the defendant was cut short on the report. Can I fix this?**

No. Due to space limitations, the maximum length of a defendant's name is 25 characters.

**Is the next action date required?**

Yes. This requirement is based on caseflow management principles, which are described in SCAO's Caseflow Management Guide.

**Where can I obtain SCAO's Caseflow Management Guide?**

The guide is available on the web at:

<http://courts.michigan.gov/scao/resources/publications/manuals/cfmg.pdf>. Additional resources are available on the web at: <http://courts.michigan.gov/scao/resources/other/caseflow.htm>.

**Am I required to upload the report?**

No. You are not required to upload the report. You could manually enter the data on the data entry screens. SCAO recommends that you upload the report.

**There were several cases pending on the first quarterly report of 2008. When I submit the second quarterly report of 2008, do I need to enter these again?**

If you upload your reports, your system provider should include these cases in the upload files. If you manually enter your reports, you will need to re-enter pending cases on each quarterly report.

**I have decided to upload the report. Where do I obtain an upload file?**

You should contact your case management system provider for instructions on where to obtain the upload file. JIS can be reached at 888-339-1547.

**How does the upload process work?**

The process is similar to uploading caseload reports. On the upload screen, the authorized user must browse for and select the appropriate file. Once uploaded, the data will appear on the data entry screens and output reports. The user is still required to verify the report.

**After I uploaded the file, I received a list of records that were rejected. What do I do next?**

If the records were rejected because they were missing a next action date or a defendant's name, these must be entered in your court's case management system first. Once your case management system is updated, you can delete the contents of the quarterly report on DCP and re-upload a new file.

**Where does my case management system provider obtain instructions for formatting the upload file?**

The file formats were provided as attachments to a memo dated September 20, 2006. They are also available as downloadable files on MCAP. System providers can also contact 517-373-5538 or [SCAO\\_App\\_Info@courts.mi.gov](mailto:SCAO_App_Info@courts.mi.gov) to obtain copies of the file formats. There are two file format documents: The File Format for Submission of Electronic Delay in Circuit Criminal Proceedings System and the File Format for Submission of Electronic Delay in District Criminal Proceedings System.

**Which courts are required to submit a DCP report?**

Circuit, district, and municipal courts are required to submit a DCP report. Municipal courts are treated as district courts for the purpose of DCP.

**My court covers two counties. Should I submit two reports, one for each county?**

Yes.

**Do I have to coordinate with the other divisions of my court to submit this report?**

Yes. If there are multiple divisions of your court, please coordinate so that you submit and verify one report.

**Which court codes do I use?**

Use the same court codes and counties as you do for CRS. These are listed in the file formats for electronic submission of caseload data, which are available on MCAP.

**I made an error in uploading the file. How do I fix it?**

If you have not yet verified, you can start over by first deleting the contents of the current quarterly report and then re-upload a new file.

**I accidentally deleted the contents of the current quarterly report. Can MCAP recover this information?**

No. You will need to re-upload or re-enter the data for the current quarterly report.

**I discovered an error after I verified the report. How do I fix it?**

Contact your regional office for further instructions.

**I keep getting error messages regarding pop-up blockers. What do I do?**

Pop-up blockers may prevent you from successfully uploading your data. Turn off any pop-up blockers before you upload. For additional assistance about pop-up blockers, contact your local information technology office.

**I was responsible for sending the paper DCP reports to the regional office. Do I need to continue forwarding these reports?**

No. The electronic DCP application replaces the paper reports. The regional offices will obtain DCP reports through MCAP.

**After I entered data, I clicked the Save button. Is that all I need to do?**

No. You also need to verify the report. This communicates to SCAO that you are finished making changes to the report.

**The “Select to Verify” button on the verification screen is not active. How do I activate it?**

Select the court, quarter, and year first.

**The lower half of the verification screen is not active. How do I activate it?**

Click the “Select to Verify” button first, which will indicate which quarterly report you wish to verify.

**The “Submit Verification” button on the verification screen is not active. How do I activate it?**

You must click one or more of the check boxes first.

**Does the chief judge automatically receive a copy of the verified report?**

No. The authorized user should provide the chief judge with a printed copy of the report. Alternatively, the chief judge can become an authorized user so he or she can view and print reports directly from MCAP. The chief judge must receive a copy of the report either from the authorized user or directly from MCAP.

**When my circuit judge dismissed some of the charges against the defendant, the prosecutor appealed the dismissal. The judge did not dismiss the remaining charges and the defendant did not plea to the remaining charges, therefore the case is still pending in the circuit court. While we are waiting for the COA to respond to the appeal, what do I use as a next action date on the DCP report?**

The circuit court should schedule a review hearing at some point in the future to review the case. This would be used as the next action date.

**In one of my pending cases, a motion is being considered by an appellate court. The case has not yet been adjudicated by our court. Should I include this case on the DCP report?**

Yes. If the case age exceeds the threshold for inclusion in the report, it should be included because it is still pending adjudication in the trial court. However, in calculating the case age, exclude periods when an order entered by an appellate court is in effect that stays the disposition or proceedings of the case. [MCR 8.110 (5) (c) (4)]

**I have a criminal case that was adjudicated two years ago by my court that was recently appealed. Should I include this case on the DCP report?**

No. This case was adjudicated by your court prior to the reporting quarter and should not be on the current DCP report. The DCP report should only include cases pending adjudication in your court and cases that were disposed by your court in the reporting quarter.

**I need to monitor a criminal case that is currently being appealed. I would like to reopen the case on my case management system to do so. Is this a problem?**

It depends. **District courts that use JIS** can reopen a case without removing or setting aside the adjudication. **Circuit courts that use JIS** should not reopen the case because this will incorrectly set aside the adjudication. The case will begin to age, again, and will be incorrectly reported (1) on the DCP report, (2) as a reopened case in Part 1 of CRS, and (3) as a pending case in Part 4. These circuit courts should find another method of monitoring the case while it is being appealed, such as setting review dates for these cases.

**I mistakenly reopened a criminal case during its appeal (on our circuit court's JIS system) so I could monitor it. How do I correct this problem?**

You should delete the reopen event from the case activity and also locate and modify the disposition event on the ROA.

**I have a criminal case that was returned to my court for retrial. Should this case be included on the DCP report?**

Yes. If the case age exceeds the threshold for inclusion in the report, it should be included. Exclude the time the case was at the appellate level.

**I have a criminal case in which the defendant withdrew his plea. Should this case be included on the DCP report?**

Yes. If the case age exceeds the threshold for inclusion in the report, it should be included. Exclude the time between the first adjudication and when the defendant withdrew his plea.

**Who do I contact for additional help?**

Contact your regional office first. Alternatively, you can contact the Data Projects Coordinator at 517-373-5538 or [SCAO\\_App\\_Info@courts.mi.gov](mailto:SCAO_App_Info@courts.mi.gov).